

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

MARK LEVESQUE, CHRISTIE
DECKER, MICHAEL PLATT, SYLVIA
KRAININ, and SALLY TRUSSELL,

Plaintiffs,

v.

Case No. 2:19-cv-00389-JDL

CENTRAL MAINE POWER COMPANY
And IBERDROLA, S.A.,

Defendants.

**PLAINTIFFS' CONSENTED-TO MOTION TO STRIKE
CLASS ACTION ALLEGATIONS**

NOW COME the Plaintiffs by and through counsel, pursuant to Federal Rule of Civil Procedure 15(a), and respectfully request leave from the Court to strike from the Third Amended Complaint (“Complaint”) certain allegations and claims insofar as they relate to a putative or potential class or class action under Fed. R. Civ. P. 23. In support of this motion, Plaintiffs state as follows:

1. On September 8, 2022, the Court convened, at Plaintiffs’ request, a conference of counsel to discuss matters pertaining to Plaintiffs’ stated intention to no longer pursue this matter as a potential class action.
2. Specifically, Plaintiffs move to strike the following:
 - a. All “Class Action Allegations” (Complaint ¶¶ 270-279);
 - b. All references to “Class Members” and/or “Putative Class Members” that pertain to persons other than the currently named Plaintiffs;
 - c. All requests for relief relating to the certification of a class, the appointment of named plaintiffs as representatives of any putative class, the appointment of class

counsel, and any jury demand relating to class representation, members and/or putative class members other than the five named individual Plaintiffs arising from the above-captioned matter.

3. The intent of this Motion is to amend the operative Complaint to maintain the causes of action for the five individual named Plaintiffs, Mark Levesque, Christie Decker, Michael Platt, Sylvia Krainin, and Sally Trussell, in their individual capacities (individually and collectively “the Named Plaintiffs”), and to strike class action allegations.

4. Plaintiffs also represent that they will not, in this action, seek Class Certification pursuant to Rule 23.

5. This motion to strike is without prejudice to the rights of any person other than the individual Named Plaintiffs, including but not limited to any other putative class members.

6. Counsel for Defendants CMP and Iberdrola have represented that their clients do not oppose this Motion.

WHEREFORE, Plaintiffs respectfully seek leave from the Court to strike portions of the Complaint as set forth above to accomplish the goals outlined herein.

Dated: September 16, 2022

Respectfully submitted,

/s/ Cyrus E. Chslak
Philip M. Coffin III, Bar No. 2462
Jeffrey D. Russell, Bar No. 4506
Cyrus E. Chslak, Bar No. 6171
VERRILL DANA, LLP
One Portland Square
Portland, Maine 04101
207-774-4000
pcoffin@verrill-law.com
jrussell@verrill-law.com
ccheslak@verrill-law.com

James E. Belleau, Bar No. 8314

Alex S. Parker, Bar No. 6167
Trafton, Matzen, Belleau & Frenette, LLP
10 Minot Avenue
Auburn, Maine 04212-0470
207-784-4531
JBelleau@TMBF-law.com
Aparker@TMBF-law.com

Sumner H. Lipman, Bar No. 300
Law Offices of Sumner Lipman, LLC
PO Box 836
Scarborough, Maine 04070
207-806-5006
SumnerLipman@gmail.com

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2022, I caused a copy of the foregoing to be served by way of the ECF system, which will send notice of such filing to all counsel of record.

/s/ Cyrus E. Cheslak

Cyrus E. Cheslak
Attorney for Plaintiffs

VERRILL DANA, LLP
One Portland Square
Portland, Maine 04101
207-774-4000
ccheslak@verrill-law.com